

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SUNIL KUMAR, Ph.D)
PRAVEEN SINHA, Ph.D.,)
)
Plaintiffs,)
v.) Case No.
) 2:22-CV-07550-RGK-MAA
DR. JOLENE KOESTER, in her)
official capacity as)
Chancellor of California)
State University,)
)
Defendant.)
-----)

REMOTE DEPOSITION OF:
PROFESSOR CAMILLE GEAR RICH,
WEDNESDAY, SEPTEMBER 20, 2023

REPORTED BY:
Angelica R. Gutierrez
CSR No. 13292

1 caste groups referenced in each of these resolutions
2 are part of a Hindu tradition called Varna? Do you
3 have any familiarity with that association?

4 A I'm not as familiar with the specifics in
5 terms of how particular castes are broken down. I know
6 sometimes there's as many as 32 different, you know,
7 sub caste. They are call different things depending
8 what region of the world these issues come up in. So,
9 you know, they -- they called different things to the
10 extent that there's a sort of Dalai category, but it's
11 within the Muslim faith, in the buddihist community.
12 So it -- it arises in different religious tradition,
13 and it's called different things. I wouldn't
14 necessarily put too much weigh on this particular
15 grouping because they are sometimes different
16 descriptors used for those groupings. But I do -- I do
17 see the language that you are -- you are pointing to
18 here.

19 Q Okay. And like the CFA resolution, do you
20 have an understanding whether or not the CSSA
21 resolution was part of what CSU relied upon in its
22 decision to add caste to the non-discrimination policy?

23 MR. BURRIS: Foundation and outside the scope.
24 And, Professor Rich, you probably know this, but when I
25 raise an objection you can still answer.

1 THE WITNESS: Okay.

2 A Again, I can only say that I saw that this
3 document was referenced in other documents and was
4 discussed in the process leading up to the creation of
5 the caste provision. I don't know what precise role
6 they played.

7 MS. WEISSER: Q. Okay. Did you -- in the
8 course of preparing your report, did you speak with
9 anyone at CSU about either of these resolutions?

10 A No.

11 Q Okay.

12 All right. We can put Exhibits 1 and 2 to the
13 side for the time being.

14 So, Professor Rich, what is caste?

15 A What is caste within the -- let me just
16 provide a foundation for what I'm about to say which
17 is --

18 Q Yes, please do.

19 A My entire -- sort of my life's work has been
20 about how definitions of race can't be understood in
21 the abstract, that they are also defined in relation to
22 whatever provision is at issue. So when the government
23 talks about race in the awarding of grants or just
24 pharmaceutical for the study of disease, they're
25 invoking a particular concept of race. When a statute

1 refers to race in the context of any discrimination
2 provisions, the definition of race, right, shifts in
3 response to the needs of that particular administrative
4 or legislative regime. So when you asked me, "What is"
5 -- when you asked me, "What is caste," you leave me a
6 little bit short of rudderless because those terms
7 always get defined in a functional sense in relation to
8 what it is that particular legal provision is
9 attempting to do. And what I've been trying to sort of
10 explain through my work over the years is that the
11 failure to fully understand that causes people to say
12 things like "Races can't be defined" or "It's nearly
13 impossible to define race," when we've actually been
14 working with a functional definition of race for, like,
15 a hundred years. So when -- when you ask me more
16 generally what caste is, I say, you know, what is
17 caste, how is caste operating within a particular
18 regime, and is there enough there to help us define
19 what is meant by that? So I -- I don't mean to sort of
20 not answer your question, but I hope that provides some
21 explanation for why the question itself gives me some
22 pause.

23 Q I think that's fair.

24 So do you have a general understanding of
25 caste, or would you say there's no such thing as

1 quite necessary yet and that they are adopting this
2 very slow incremental, gradual approach that, you know,
3 I can't find fault with because it's been what's
4 informed anti-discrimination law, you know, since the
5 past Title VII.

6 Q You also said at one point at -- in one of
7 your previous answers that "Religion is also correlated
8 with caste."

9 What did you mean by that?

10 A So one of the -- one of the sort of earliest,
11 like -- and -- and oldest definitions of caste that
12 I've seen has been the one that's talked about the
13 Hindu faith and this notion of spiritual purity as
14 being part of the understanding of caste. That's not
15 true with regard to how caste is operating, let's say,
16 in the Japanese community or for Nigerians in their
17 definition of -- they're all -- they're all quite
18 different. So I don't mean to sort of make it over
19 determined by the Hindu example, but that is at least
20 one part of it. My understanding of how destructive
21 discrimination against Dalais or -- or persons who are
22 outside the sort of higher level, more privileged caste
23 groups that the discrimination is so profound that
24 things have happened like Dalais have fled to
25 Christianity and become Christians or created different

1 religious groups. So in those circumstances, when you
2 try to describe it as religious discrimination, right,
3 it starts to take on -- the case law on it would be
4 very confusing and fractured because you'd have to
5 account for within religion -- within religious group
6 discrimination, also, cross religious group
7 discrimination in ways that might confuse courts unless
8 they understood the category of caste. And the
9 understanding that even though these two people are
10 Christians, even though these two same color, right,
11 even if they're from the same part of the world, that it
12 then -- it's sometimes described as indigenous or
13 tribal, that that particular way of understanding
14 relationships informs the discrimination in this case.

15 So the origin is in the Hindu tradition for
16 this particular definition, but it migrates out of it.
17 Some scholars have argued that it still counts as
18 religious discrimination because to the extent you're
19 drawing back for that Hindu tradition and Dalais, even
20 if people have move outside of the religion, there's
21 still a residuum of -- of sort of religion affiliation
22 associated with it that it's informed. You know, some
23 courts would struggle with that, and -- and I think
24 that this is where the addition of the word "caste" is
25 helpful is because you -- you can stay within the

1 describing it, but they were saying, "I want to be an
2 ally, and I understand this is a problem, and I'm very
3 certain about it. I'm very concerned about it being a
4 part of American culture."

5 Q Okay. I know you said you didn't review
6 any -- anything that was denominated as a survey or a
7 poll or something like that in preparing your report.

8 Do you know if CSU conducted any such polls or
9 surveys regarding the ordinary person's understanding
10 of caste in its community? Do you know if they
11 conducted that kind of survey research?

12 A I don't know.

13 Q Okay. You obviously have a storied and
14 impressive career both in terms of anti-discrimination
15 law and, you know, DEI initiatives.

16 Based on your professional experience, would
17 you think it would be important to conduct those types
18 of surveys to understand what the community believes
19 caste means?

20 A God, I sound like a law professor again. I'm
21 so sorry.

22 Q I'm sure hard for you to avoid that. I fee
23 like I'm transported 20 years.

24 A I'm so sorry. So, right, law plays a couple
25 of different functions. Okay. One function that law